

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLIE COX,

Plaintiff,

vs.

UNKNOWN PURKETT, et al.,

Defendants.

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Case No. 4:05CV1076 AGF

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Plaintiff Willie Cox, a Missouri prisoner, initiated this action on July 11, 2005, against three prison officials, including Defendant Purkett. On July 25, 2005, Plaintiff filed a handwritten document supplementing his complaint. Plaintiff's request to proceed in forma pauperis was denied, and on August 16, 2005, he paid the full filing fee. By Order and Memorandum dated September 26, 2005, the Court dismissed Plaintiff's claims against the two other Defendants as legally frivolous, leaving Purkett as the only Defendant remaining in the action. The Court directed Plaintiff either to serve Purkett with a copy of the complaint, or obtain a waiver of service from Purkett. The Court further directed Plaintiff to include a copy of the September 26, 2005 Order and Memorandum with the complaint in serving Purkett. Plaintiff was advised that he could seek guidance on serving Purkett from the Office of the Clerk of the Court.

By Order dated November 1, 2005, some hand-written documents sent by Plaintiff to the Court were made a part of the record as supplements to the complaint. As

Plaintiff had not yet provided any proof of service or waiver with regard to Purkett, the Court ordered Plaintiff to do so on or before December 9, 2005, advising him as to which documents should accompany the waiver form or the service form, and providing him with all forms and copies of documents he would need either to serve or obtain waiver of service from Defendant Purkett.

On November 9, 2005, Plaintiff returned to the Clerk's Office the packet that had been mailed to him, with the notation "No Thank You!" hand-written on the envelope. As of the date of this Memorandum and Order, Plaintiff has not filed proof of service or waiver of service with respect to Defendant Purkett.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's complaint against Defendant Purkett is **DISMISSED** without prejudice due to Plaintiff's failure to obtain service upon this Defendant.

A final Judgment shall accompany this Memorandum and Order.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of December, 2005.